

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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<http://www.montgomerycountymd.gov/content/council/boa/board.asp>

**Case No. A-6177**

**PETITION OF GANANATHAN SURESH**  
(Hearing held January 3, 2007)

**OPINION OF THE BOARD**  
(Effective date of Opinion, March 29, 2007)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for a variance from Section 59-C-1.323(a). The petitioner proposes the construction of a new single-family dwelling that requires a 15.50 foot variance as it is within thirty (30) feet of the established front building line. The required established building line is 45.50 feet.

Mahedrab Parek, an architect, and Janean McCalla, a designer, appeared with the petitioner at the public hearing. Andrew Kavounis, a neighbor, and Jerry Garson, a representative from the Regency Estates Citizens Association, appeared in opposition to the variance request.

The subject property is Lot 28, Block 11, located at 11701 Rosalinda Drive, Potomac, Maryland, 20854, in the R-90 Zone (Tax Account No. 00102826).

Decision of the Board: Requested variance **denied**.

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioner proposes to demolish the existing single-family dwelling and to construct a new single-family dwelling.
2. Ms. McCalla testified that the subject is a corner lot located at the intersection of Rosalinda and Greenlane Drives. Ms. McCalla testified that the subject property has an existing house that is sited 30.8 feet from its southern front yard boundary on Greenlane Drive, 18.4 feet from its northern side yard boundary, 36.5 feet from its eastern rear yard boundary, and 31.1 feet from Rosalinda Drive. See Exhibit Nos. 4(a) [site plan] and 4(b) [established building line calculations].
3. McCalla testified that the subject property is 11,680 square feet in size, but that the application of the required setbacks to the property results

in a very narrow space to build. Ms. McCalla testified that the proposed house will face Greenlane Drive and that it will line up with the other houses on Greenlane Drive.

4. Mr. Parek testified that the subject property is a corner lot and that corner lots are always unique. Mr. Parek testified that the application of the required setbacks leaves a 30-foot depth for the building envelope. Mr. Parek testified that the 30-foot depth would create a long, compressed house and that with a 30-foot depth it would be difficult to have the necessary space that is required for a typical home.
5. The petitioner testified that his existing house faces Rosalinda Drive and that the new house would be oriented to face Greenlane Drive. The petitioner testified that the new construction would site the new house the same distance from the street as the existing house. The petitioner testified that the proposed location of the new house would allow for a back yard and that it would not be too close to the neighbor on Lot 27.
6. Mr. Garson testified that he is looking for conformity in the new construction because if sidewalks are ever installed by the County, some houses will be very close to the street. Mr. Garson testified that when new houses are built in the front yard setbacks, the new houses look different than the existing houses in the neighborhood.
7. Mr. Kavounis testified that he does not have a problem with new construction, but that he does have a problem with new construction that requires a variance. Mr. Kavounis testified that the design of the proposed construction would change the aesthetics of the view of Rosalinda Drive.

### **FINDINGS OF THE BOARD**

Based upon the petitioner's binding testimony and the evidence of record, the Board finds that the variance must be denied. The requested variance does not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) as follows:

*(a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the characteristics of the petitioner's lot are not "conditions peculiar to a specific parcel of property" that cause the strict application of the Zoning Ordinance to have a

disproportionate impact on the subject property. The Board finds that the location of the house on the subject property is not a factor the Board can take into account in evaluating the petition for a variance. (*Umerley v. People's Counsel*, 108 Md. App. 497, 506 (1996) citing *North v. St. Mary's County*, 99 Md. App. 502, 514 (1994)).

The Board notes that the subject property exceeds the minimum lot size for the zone and that new construction could be built on the lot without the need for a variance.

The petition does not meet the requirements of Section 59-G-1.3(a) and the Board did not consider the other requirements in that section for the grant of a variance. Accordingly, the requested variance of 15.50 feet from the required 45.50 foot established front building line for the construction of a new single-family dwelling is denied.

The Board adopted the following Resolution:

On a motion by Caryn L. Hines, seconded by Catherine G. Titus, with Donna L. Barron, Wendell M. Holloway and Allison Ishihara Fultz, Chair, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 29th day of March, 2007.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.